

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTHONY BAKER,

Plaintiff,

v.

Case Number 12-12375
Honorable David M. Lawson

CITY OF DETROIT, LOUIS WILSON, and
DELAMIELLEURE,

Defendants.

ORDER IMPOSING SANCTIONS

On October 4, 2012, the Court filed a notice for the parties to appear for a scheduling conference on November 5, 2012. The conference was rescheduled for November 19, 2012 at 11:00 a.m. The defendants did not appear for the scheduled case management conference, and no request to adjourn the conference was filed. Accordingly, the Court ordered the defendants to show cause why judgment by default should not be entered pursuant to Federal Rule of Civil Procedures 16(f). The defendants responded to the order to show cause on November 26, 2012. In the response, defense counsel indicated that he had a scheduling conflict, but did not file a motion or make any other attempt to reschedule the conference. Nor did defense counsel make any effort to contact plaintiff's counsel to inform him of the conflict. Plaintiff's counsel appeared at the case management conference, but the conference was unable to proceed because of defense counsel's absence. Defense counsel's failure to attend the conference or to attempt to reschedule the conference wasted the time of both plaintiff's counsel and the Court.

Federal Rule of Civil Procedure 16(f)(1)(A) provides that "the court may issue any just orders, including those authorized by Rule 37(b)(2)(A)(ii)-(vii), if a party or its attorney fails to

appear at a scheduling conference or other pretrial conference.” Fed. R. Civ. P. 16(f)(1)(A). The sanctions authorized by Rule 37(b) include entry of a default judgment. Fed. R. Civ. P. 37(b)(2)(A)(vi). The Court does not believe that a default judgment is an appropriate sanction. However, the Court will impose \$250 in costs against the defendant, payable to the plaintiff’s attorney on or before January 9, 2013. The Court also will order the parties to appear at a status conference on January 9, 2013 at 10:00 a.m.

Accordingly, it is **ORDERED** that the defendants shall pay to plaintiff’s counsel the sum of \$250 **on or before January 9, 2013**.

It is further **ORDERED** that the parties shall appear before the Court for a status conference **on January 9, 2013 at 10:00 a.m.**

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: December 21, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 21, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL